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LASE DEVIS
M. Devis
Clifford Chance US LLP

Docket No. 5677-216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark J. Chimel et al.

Filed: September 25, 2003

Group Art Unit: 1761

Serial No: 10/672,232

Examiner: TBA

For: BARS AND CONFECTIONERIES CONTAINING COCOA SOLIDS HAVING
A HIGH COCOA POLYPHENOL CONTENT AND STEROL/STANOL
ESTERS AND PROCESSES FOR THEIR PREPARATION

SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In order to comply with 37 CFR 1.97 and 1.98, attached hereto is a copy of Form PTO-1449. Copies of the United States documents are being provided.

Applicants respectfully request the Examiner's consideration of the cited reference and entry into the record of this application and that it be cited of record in the prosecution history of the present application by initialing Form PTO-1449 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Information Disclosure Statement is being submitted in compliance with 37 CFR 1.56, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104 and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

The present Information Disclosure Statement has been submitted prior to the receipt of an Office Action in this application. Accordingly, no fee is due. However, in the event that a first Office Action was mailed on or before the date of submission of this disclosure statement, the Commissioner is hereby authorized to charge any fees to deposit Account No. 50-0521.

U.S. 2002/0064584 A1 and WO 01/78529 A2 (which corresponds to U.S. 6,610,320 were cited in the counterpart European application (EP 04 25 5889). The published PCT Application (WO 01/78529A) is a Category X reference. The published U.S. Application (US 2002/064584 A1) is a Category A reference. A copy of the European Search Report is submitted herewith.

Respectfully submitted,

Date:

January 14, 2005

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FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Serial No. 10/672,232

Inventors: Mark J. Chimel et al.

Docket No. 5677-216

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|-----------------|---------|---------------|-------|----------|----------------------------|
| | US 2002/0064584 | 5-30-02 | Kealey et al. | 426 | 244 | 11-5-01 |
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FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | COUNTRY | TRANSLATION |
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| | WO 01/78529 | 25/10/01 | WO | |
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OTHER DOCUMENTS

| EXAMINER INITIAL | AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC. |
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| | Lees M. Ann et al., Plant Sterols as Cholesterol-Lowering Agents: Clinical Trails in Patients with Hypercholesterolemia and Studies of Sterol Balance, North-Holland Scientific Publishers, Ltd., Vol. 28, 1977, pgs. 325-338 |
| | Mattson H. Fred et al., Optimizing the Effect of Plant Sterols on cholesterol Absorption in Man, The American Journal of Clinical Nutrition, Vol. 35, 1982 pgs. 697-700 |
| | Mattson, H. Fred et al., Effect of Plant Sterol Esters on the Absorption of Dietary Cholesterol, The Procter & Gamble Company, Miami Valley Laboratories, J. Nutr. Vol. 107, 1977, pgs. 1139-1146 |
| | EP Search Report for EP 04 25 5889 |
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| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

Form PTO-1449 [6-4]